

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANTHONY SMITH and FLYING A.J.'S
TOWING COMPANY, LLC,

Plaintiffs,

v.

JOHN WILSON and TOWN OF
BELOIT,

Defendants.

ORDER

10-cv-062-wmc

Attached to this order are the court's rulings on the specific objections to the parties' designations of Dr. Wilbert Miles' deposition testimony. After having reviewed all designations, however, the court is having difficulty locating the limited opinions allowed by its ruling on the motion in limine. (Dkt. #147 at ¶ 35.) Accordingly, plaintiffs' counsel will need to identify for the court those opinions in advance of reading the designations from Dr. Miles' deposition.

Entered this 27th day of April, 2011.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

ANTHONY SMITH and
**FLYING A.J.'S TOWING
COMPANY,**
(a Wisconsin limited liability company)

Plaintiffs,

Case No.: 10-CV-62

v.

JOHN WILSON (in his official capacity as
Police Chief and in his individual capacity),

and

TOWN OF BELOIT, WISCONSIN
(a municipal corporation)

Defendants.

**DEFENDANTS' RESPONSE TO PLAINTIFFS' AMENDED DEPOSITION
DESIGNATIONS OF DR. WILBERT MILES**

Plaintiffs' Designations	Defendants' Objections	Defendants' Cross Designations	Plaintiffs' Objections to Defendants' Cross Designations	Court's Ruling
11:1-10	Objection: Cumulative to Court's expert narrative			Sustained
11:23-25	Objection: Cumulative to Court's expert narrative			Sustained
12:3	Objection: Cumulative to Court's expert narrative			Sustained

12:5-14	Objection: Cumulative to Court's expert narrative			Sustained
15:16-17	Objection: Cumulative to Court's expert narrative			Sustained
16:16-24		16:16-24		
17:1-4		17:1-4		
17:9-18		17:11-20		
17:24-25		17:24-25		
18:1-14		18:1-15		
19:2-8				
19:13-18				
		22:3-19		
24:11-14	Objection: Motions in Limine report not admissible as evidence			Sustained
24:20-25				Sustained
25:1-25 – deleted- mentions “cause”	Objection: reference to “Dr.” should be deleted per court ruling	25:13-17		Overruled although plaintiffs may change references
26:1 – deleted- mentions “cause”				to Mrs. to avoid jury confusion.
		29: 17-23		
	Objection: reference to “Dr.” should be deleted per court ruling	30: 11-25		Same ruling as above.
		31: 1-5		
		31:19-25		
		32:1-3		
		32:9-14		
		33:6-23		

34:9-18 – deleted- mentions “cause”	Relevant to weight of opinion	34:1-25		Excluded unless defendants want to
35:9-20- deleted- mentions “cause”		35:1-2		allow in underlying opinion.
		35:8		Excluded
36:1-24 – deleted- mentions “cause”				
37:8-13		37:3-7		
		37:14-17		
38:22-25 – deleted- mentions “cause”	Objection: reference to “Dr.” should be deleted per court ruling			Same ruling
39:1-15 – deleted- mentions “cause”				
40:15-17	Objection: answer out of context; no question			Excluded
		48:17-20		
50:23-25	Objection: reference to “Dr.” should be deleted per court ruling	50:11-18		Same ruling
		50:23-25		
51:1-4		51:1-4		
51:12-19		51:12-19		
		52:2-7		
		52:24-25		
53:4-25	Lines 7-10 not needed	53:1-6		Exclude lines 7-10
		53:11-25		
54:1-25		54:1-14		
		54:21-25		
55:1-20		55:1-20		

56:9-22				
60:9-25		60:1-25		
61:1-4				
61:15-17				
62:3-13		62:14-25		
63:5-9 – deleted – mentions “cause”	Relevant as explanation of damages	63:1-18		Excluded unless defendants want to
63:13-18 – deleted- mentions “cause”	Relevant as explanation of damages			allow in underlying opinion.
		65:21-25		
		66:1-3		
		66:18-25		
		67:1-3		
		68:10-25		
		69:1		
76:11-25	Objection: cumulative and plays to sympathy of jury			Overruled
77:1-25	Objection: cumulative and plays to sympathy of jury			Overruled
78:1-2	Objection: cumulative and plays to sympathy of jury			Overruled
78:15-19	Objection: cumulative and plays to sympathy of jury			Overruled
79:7-9				
80:16-25				
81:15-19	Objection: answer out of context; no question	81:4-7		Sustained. If plaintiffs wish to leave in, must read
		81: 20-25		lines 12-14,
		82: 1		deleting "two".

84:6-20		84:12-22		
	Objection: reference to “Dr.” should be deleted per court ruling	85: 14-18		Same ruling
86:18-25 – deleted- mentions “economic loss”	Objection: line 23 reads “economic distribution”			Mooted.
88:2-4				
88:9-13				
92:6-19 – deleted lines referring to “lynched”				
93:21-25	Objection: answer out of context; no question; prejudicial; not relevant; lack of foundation			Overruled but plaintiffs should add lines 19-20.
94:1-6	Objection: answer out of context; no question; prejudicial; not relevant; lack of foundation			Overruled
94:13-25	Objection: answer out of context; no question; prejudicial; not relevant; lack of foundation			Overruled
95:1-7	Objection: answer out of context; no question			Overruled

102:12-19 – deleted refers to books relied upon				
104:20-25 – deleted refers to books relied upon				
105:1-4 – deleted refers to books relied upon				
111:17-25	Objection: lack of foundation; motion in limine #35			Overruled
112:1-11	Objection as to line 1: lack of foundation; motion in limine #35			Overruled
126:1-23	Objection: relevancy			Sustained